
EVALUATOR MANUAL TRANSMITTAL SHEET

Distribution:

☐ All Child Care Evaluator Manual Holders
☒ All Residential Care Evaluator Manual Holders
☐ All Evaluator Manual Holders

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Subject:

Adult Residential Facilities

Reason For Change:

Due to the rollout of residential laptop computers for the licensing program analysts, the entire section of Adult Residential Facility blues are being reissued.

In addition, for clarity and consistency, a policy decision was made to spell out acronyms, reformat text and add page numbers.

Filing Instructions:

☒ REMOVE – Entire Section

☒ INSERT – Revised Section

Approved:

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9-21-00

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REGULATION INTERPRETATIONS
AND
PROCEDURES
FOR
ADULT RESIDENTIAL FACILITIES

ADULT RESIDENTIAL FACILITIES

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ARTICLE 3 APPLICATION PROCEDURES**85018 APPLICATION FOR LICENSE****85018****(c) POLICY**

There shall be sufficient liquid assets in reserve to ensure facility operation independent from reliance on prospective client fees for the first three months. Start up funds shall not include funds for construction costs.

However, when there is a change of ownership and clients are currently in placement, expected income from existing clients is considered.

PROCEDURE

Review the Monthly Operating Statement (LIC 401), Financial Statement (LIC 403), Financial Information Release and Verification (LIC 404), or other approved forms in conjunction with any other optional financial statements from a bank or lending institution and verify the availability of the three month start-up funds.

ARTICLE 5 ENFORCEMENT PROVISIONS**85051 SERIOUS DEFICIENCIES****85051****PROCEDURE**

Refer to Sections 80001(a)(43), 80051 and 80054.

ARTICLE 6 CONTINUING REQUIREMENTS**85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES****85064****(e) POLICY**

Regulations require that an administrator who was employed after July 1, 1996, must have a high school diploma or pass a GED test. The responsibility for verifying the administrator's credentials rests with the licensee.

PROCEDURE

It may be necessary to advise the licensee about how to obtain valid documents when the individual has graduated from a high school in a foreign country.

Licensees can contact local government agencies in the area where the school is located to substantiate that the school is bona fide.

The foreign language department of some State universities can provide lists of students who are tutors, translators, or interpreters of foreign languages. They must be available for translating documents into English. Also, in the yellow pages of the telephone book, under "Translators and Interpreters", are lists of organizations which provide these services. After the documents are translated into English, licensees can take them to their local school district for a determination whether the coursework meets the standards for American high schools.

Some of the private organizations offering translations and interpretations also offer coursework evaluation and equivalencies (whether the coursework in foreign high school is comparable to the coursework required for a diploma in the United States) for additional cost. Two examples of known agencies are:

- Academic Credentials Evaluation Institute, Inc.
P.O. Box 6908 Telephone: (310) 275-3530
Beverly Hills, CA 90212 FAX: (310) 275-3528
Web Site: www.acei1.com
E-Mail: ACEI@ACEI1.com
- International Education Research Foundation, Inc.
P.O. Box 66940 Telephone: (310) 390-6276
Los Angeles, CA 90066 FAX: (310) 397-7686
Web Site: www.ierf.org
E-Mail: Info@IERF.org

Their costs of the course evaluations average \$150.00.

85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES
(Continued)**85064****(e) PROCEDURE (Continued)**

Section 1562.3(d) of the Health and Safety Code requires the Department to certify individuals who have completed the administrator certification training program, passed a written test, have a criminal record clearance, and have paid the required fee.

The individual's age or status as a high school graduate is not checked as part of the certification process. Consequently, the fact that a person has their administrator certification, does not mean that the person meets the age or high school graduation requirements.

(f) POLICY

The licensing agency may require that an administrator/licensee devote additional hours in the facility when it is documented and substantiated that a facility has not been administered according to regulations or the administrator has not fulfilled his/her responsibilities. This would typically occur after repeated citations for the same violations. The licensing agency is responsible for evaluating each unique situation and making case-by-case determinations based on the type and number of violations. As there are no guidelines to the number of hours required, this would be negotiated between the licensee and the licensing agency.

PROCEDURE

Review facility records and interview staff and clients, if appropriate, to determine that the administrator is in the facility and providing sufficient time to the operation and management of the facility. Document findings on the LIC 9099 or the LIC 809 and other supporting reports that are required.

(g) POLICY

The designated substitute is not required to meet the education and/or experience requirements for an administrator, but must be able to perform the duties specified in Section 85064(k)(1)-(6) and be held responsible and accountable for facility operation in the administrator's absence.

PROCEDURE

Refer to Section 80064(b).

85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES
(Continued)**85064****(h) POLICY**

An administrator or applicant of a facility with a licensed capacity of 1-6 shall possess some experience or training in caring for the adult residential client population. This experience and/or training can be obtained through volunteer or paid employment or specialized education focusing on needs of the client population. An applicant shall not be denied licensure solely on length of time taken to gain this experience or training.

(i)(1) and (j)(1) POLICY

Educational requirements must be verified by originals or copies of official grade slips/transcripts, certificates or signed documentation on letterhead from a college, adult education or other recognized educational institution.

References must be used to verify experience requirements.

An administrator in charge of two or more facilities of different capacities or serving different client populations must meet the qualification requirements for each.

PROCEDURE

Review Personnel Record (LIC 501) and the employee's personnel files to ensure that the administrator meets the applicable qualifications. Determine that the appropriate number of units were obtained in the specified fields if the administrator is qualifying under (i)(1) or (j)(1).

(k)(4)(A) PROCEDURE

See Section 80024 and Reference Material 2-5000 for waiver procedures.

(l) POLICY

Where the licensee is the administrator, the date of licensure shall be considered the date of employment. A break in employment is considered a period of time which the administrator is not actually employed in an adult residential facility.

85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES
(Continued)**85064****(l) POLICY (Continued)**

As administrator qualifications are tied to capacity, if an administrator subsequently transfers from one facility to another, which requires different administrator qualifications as stated in CCR 85064(h)-(j), the grandfathering clause no longer applies. The administrator must then meet the qualifications for that facility capacity. Administrators may, however, transfer to a comparable facility capacity which requires the same qualifications and retain the grandfathering privilege. If a transfer to another facility is planned, the administrator should request from the licensee a letter verifying employment and the demonstrated ability to meet the requirements of Section 80064(a).

PROCEDURE

Review the Personnel Record (LIC 501) and the employee personnel file to determine the date of employment.

85065 PERSONNEL REQUIREMENTS**85065****(b) POLICY**

In facilities serving six or fewer clients, an exception to this regulation may be obtained for a specific client for limited periods of time. Exceptions to this requirement shall be limited to periods of time not exceeding six hours per day and to only ambulatory clients.

PROCEDURE

Refer to Sections 80024 and 80065(b) and Reference Material Section 2-5000.

(c) POLICY

This regulation does not prohibit these functions from being performed by the same staff providing care and supervision unless care and supervision of clients are made subordinate to these duties.

Additionally, this regulation does not preclude a client from performing household duties that are geared toward his/her self-help skills development, provided the participation is voluntary. No household duties shall go undone because a client refuses to participate in such a plan.

85065 PERSONNEL REQUIREMENTS (Continued)**85065****PROCEDURE**

To assess that the ratio of client staff meets the needs of the clients, review and compare client files, Personnel Record (LIC 501) for staff qualifications, job descriptions and the facility program. Document on the Licensing Report (LIC 809) the reason for requiring additional staff. Refer to Section 80065(j)(1) and 85068.2(a)(3).

(d)(3)(A)

POLICY

A volunteer shall not be used as the person responsible for planning, conducting or evaluating activities.

PROCEDURE

Review the Personnel Report (LIC 500) and Facility Staffing Worksheet (LIC 507) to determine that volunteers are supervised and not used in lieu of designated staff.

Interview clients to determine that they are able, capable and interested in planning their own activities.

See Reference Material Section 2-5000. Review the facility file to verify that a waiver has been granted.

(e)(4)(C)

POLICY

A copy of the bill for services is an acceptable record of the consultants visit(s) if the billing information includes the specific nature and duration of the visit.

NOTE: “Regular” is purposely not defined as consultation needs may vary from facility to facility dependent upon such factors as facility size, number of meals served per day, complexity of the clients’ dietary needs, etc. Therefore, subsection (4)(C) was included to allow individual evaluations of facilities and to require consultation when it is evident that there is a necessity (i.e., meals not nutritionally balanced, no menu variety, specific dietary needs not met, etc.)

The number of hours and frequency of consultation shall be based on the following: size of facility, qualification of personnel, type of population, etc.

PROCEDURE

Review facility menus and document the necessity for consultation on the LIC 809, if appropriate.

85065 PERSONNEL REQUIREMENTS (Continued)**85065****(f)(1) POLICY**

NOTE: “Specialized skills” is not defined because an all-inclusive list is not practical nor feasible. These specialized personnel may include physical therapists, psychiatrists, nurse practitioners, etc.

PROCEDURE

Verify qualifications by reviewing records for professional license, registration/certification number.

Review the contract or other documentation for services provided, frequency and hours of consultation per month.

85066 PERSONNEL RECORDS**85066****(b)(4) PROCEDURE**

Review Facility Staffing Worksheet (LIC 507) or comparable record for compliance.

85068 ADMISSION AGREEMENTS**85068****(b)(4) POLICY**

The Admission Agreement Guide (LIC 604) is a sample of appropriate agreement and available to licensees.

PROCEDURE

Review signed admission agreement for compliance with these requirements. Refer to Section 80068.

85068.1 ADMISSION PROCEDURES

85068.1

(d) **PROCEDURE**

See Section 80065(h), Policy, for waivers of regulations for religious facilities.

Review Physician's Report (LIC 602) or equivalent report to verify that subsection (d) above is met.

85068.2 NEEDS AND SERVICES PLAN

85068.2

(a)(3) **PROCEDURE**

Review the Preplacement Appraisal Information (LIC 603), Physician's Report (LIC 602) and Appraisal/Needs and Services Plan (LIC 625), to ensure all requirements have been met.

Refer to Sections 80065(j)(1) and 85068.1(b).

85068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN

85068.3

(a) **POLICY**

Significant occurrences that can result in the change in client needs are heart attack, stroke, death of a loved one, broken bones resulting in temporary or permanent change in ambulatory status, etc.

PROCEDURE

See Section 80065(h), Policy, for waivers of regulations for religious facilities.

Review Preplacement Appraisal Information (LIC 603), Appraisal/Needs and Services Plan (LIC 625), and compare with reports from facility staff, doctors, dentists, and social workers, psychiatrists, etc., to see if changes have occurred. Verify that an updated plan has been done if it is necessary.

85068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN
(Continued)**85068.3**

(b)(3)(A)

POLICY

It is the responsibility of the licensee to retain only those individuals for which needs can be met by the licensee.

If the authorized representative should refuse to relocate the client, the licensee may implement eviction proceedings.

PROCEDURE

Refer to Section 85068.5

85068.5 EVICTION PROCEDURES**85068.5**

(b)(1)(B)

POLICY

The required three-day eviction does not preclude the immediate removal of a client for purposes of relocation under emergency circumstances (e.g., incarceration, emergency medical or psychiatric care) by an authorized person or agency, such as law enforcement, a relative or authorized representative. (See Section 85068.5(f) Policy).

PROCEDURE

Document the telephone call on the Contact Sheet (LIC 185) and any nonpublic information on the Detail Supportive Information (LIC 812).

(f)

POLICY

NOTE: Eviction is not synonymous with client relocation. Eviction is action taken against the will of the client or his/her authorized representative (e.g., placement agency). When placement concurs, this action is considered relocation, not eviction.

85072 PERSONAL RIGHTS**85072****(b)(1) PROCEDURE**

Review client record to ensure that a copy of the Personal Rights (LIC 613) is on file and has been signed by the client or his/her authorized representative. Refer to Section 80072.

(b)(2) POLICY

If changes related to care and supervision are initiated through a placement agency or consultant, it is the licensee's responsibility to see that the appropriate notification occurs. This information is confidential and should be released only to those authorized. Client permission for release is not necessary.

(b)(4) POLICY

House rules can be established regarding visitation hours, sign in rules, visiting rooms, etc., but must apply to all visitors.

Although the Office of the State Ombudsman primarily focuses on adults who are 60 years of age or older, the Office is authorized to enter any community care facility caring for adults. Such visits can be made at anytime the State Ombudsman feels it is necessary and reasonable in order to effectively carry out his/her responsibilities under Welfare & Institutions Code Sections 97700-9701 and 9710-9714. (See Section 80044(a) Policies and Procedures.)

Visits by the State Ombudsman can differ significantly: a) As an advocacy representative of the client(s) the Ombudsman may come to the facility as a visitor and would be asked to comply with the house rules concerning visiting hours, etc., or b) In response to complaints as authorized by statute to enter community care facilities for the purpose of hearing, investigating and resolving complaints. The latter situation is beyond the context of a "visit" and gives the Ombudsman the right to "inspect" at anytime he/she feels is necessary and reasonable.

85072 PERSONAL RIGHTS (Continued)**85072****(b)(9) POLICY**

Licensees shall provide a telephone, on the premises, for client use. The licensee is permitted to require clients or his/her authorized representative to reimburse the facility for long distance calls. The number of calls permitted to clients should not be limited unless the licensee has documentation to verify excessive use by the client.

Pay telephones meet Subsection (9) above if they are accessible in order for pay telephones to be considered accessible, the facility must provide clients with change to make local calls. This means the licensee is required to pay for local calls.

PROCEDURE

See Section 80073, General Requirements.

(b)(9)(B) POLICY

If the licensee intends to collect reimbursement for long distance phone calls, this should be indicated in the admission agreement. Reimbursement fees must be documented by bills and receipts in the client file.

PROCEDURE

Review the client's file to ensure that this reimbursement is receipted and documented on the client's Account of Client's Safeguarded Funds (LIC 405).

85075.3 OBSERVATION OF A CLIENT**85075.3****(a) POLICY**

However, if such changes affect the services required by the client, this must be documented via a modification to the needs and services plan. (Section 85068.3)

85076 FOOD SERVICE**85076**

(d)(4)

PROCEDURE

If it is suspected that the appropriate temperatures of refrigerators and freezers are not maintained, use a holding thermometer to check the temperature.

85077 PERSONAL SERVICES**85077**

(b)

POLICY

A client may be permitted to do his/her own laundry if he/she desires and is able or it is part of a needs and services plan. However, no clients' laundry shall go undone if the client refuses to participate in such a plan.

PROCEDURE

See Section 85088(d) Policy.

85078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**85078**

(a)(1)

POLICY

Although community care facilities are required to have someone on duty at all times as a basic requirement, an exception to this regulation may be granted for a specific client for limited periods of time. Since this is a licensing requirement, the licensing agency is the **only agency authorized** to grant an exception to this regulation.

All exception requests must be signed by all of the following: The client or his/her authorized representative; the placement agency (if one is involved with the client); or the client's physician (if no placement agency is involved); and the licensee/administrator.

Exceptions from the requirement of continuous in-facility supervision shall be limited to periods of time not exceeding six hours per day and to ambulatory clients 18 years of age or over. The licensing agency shall ensure that the facility has an appropriate fire clearance.

85078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION 85078
 (Continued)

(a)(1) **PROCEDURE**

Review the request for an exception and ensure that the supporting documentation includes the following:

1. A statement which specifies the reasons why the exception is requested; the conditions under which the client will not be supervised, including but not limited to:
 - a. The time(s) of day;
 - b. The number of hours; and
 - c. The frequency at which the client will be left unsupervised.

The statement must be signed by the persons outlined in the above policy.

2. A copy of the client's assessment and any other information which may assist the licensing agency in making a determination as to whether to grant or deny the request for an exception. (See Reference Material Section 2-5000)

85080 RESIDENT COUNCILS 85080

(b) **PROCEDURE**

Determine that facilities permit the formation of resident councils by interviewing residents and/or staff to see if residents have indicated an interest to do so. If it is determined that resident councils are not permitted, cite the licensee on the LIC 809.

If the facility has a resident council, review documentation of notice of meetings, meeting times and recommendations from council meetings. If documentation does not exist, cite the licensee on the LIC 809.

(b) **POLICY**

Based on this Section, as well as the requirements of Section 80072(a), the licensee, members of the licensee's family, staff, etc. shall not share a bedroom with a client.

85087.2 OUTDOOR ACTIVITY SPACE**85087.2****(b) POLICY**

The licensee's written activity plan shall include the location(s) of outdoor activity space utilized by the clients. These areas may include activity centers, public parks and other such space. Shade can be provided by trees, awnings, tables with umbrellas, etc.

85088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES**85088****(b)(4) POLICY**

Privacy can be ensured by the use of dividers, screens, curtains, stall doors, etc.

(b)(5) POLICY

These items are to be furnished at the basic rate unless the client wishes to use a specific brand which the facility does not normally purchase. Charges for special purchases must be indicated in the admission agreement and provided at cost.

If a facility is experiencing a problem with waste and breakage additional supervision must be provided rather than charging clients when breakage or loss occurs.

(b)(5) PROCEUDRE

Review the admission agreement to ensure that any additional charges have had prior agreement.

As appropriate, interview clients to ensure that they actually prefer the specific brand for which they were charged and that they are capable of making that decision.

(c)(1)(A) POLICY

For those mattresses and pillows not certified as flame retardant, flame retardant mattress and pillow covers must be provided.

85088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES
(Continued)**85088**

(d)(1)(A)

POLICY

Coin operated machines may be utilized as long as the private clients are capable of doing their own laundry and agree to it in the admission agreement. Private clients who are not capable of doing their own laundry have the opportunity at time of admission to decide if a facility can meet their needs and whether or not they want to reside in that facility. However, care should be taken to assure that clients are not charge twice. For example, the client may be charged the total basic rate which includes a laundry service fee and might also be required to use their own money to operate the machines. Thus, it is important that each agreement for private pay clients clearly stipulate only one of the following:

1. That the total basic charge includes basic laundry service (for those clients who are not capable of or who do not desire to do their own laundry), or
2. That the total basic charge does not include the fee for laundry service and that the client must use his/her own money to utilize the coin operated machines (for clients who are capable of and desire to do their own laundry).

No client laundry will go undone because the client does not desire or is not capable of doing his/her own laundry. Clients who become unable to decide not to do their own laundry after admission shall be provided laundry service and shall have their agreements adjusted accordingly.

Client ability shall be determined by the needs and services plan and modification to said plan.

(f)(2)

POLICY

“Living unit” is the client’s bedroom.

The intent of this regulation is to ensure that all clients have access to staff in an emergency. If the system used by the facility meets the intent of this regulation by using a safe and effective alternative, a waiver may be granted. Review of such waiver request must consider the specific system in a facility and the acceptance by the facility of only those clients who have the ability to use the alternative system or plan. The alternative system must be approved in writing by placement or other agencies indicated by the licensing agency, and the approval must be submitted to the licensing agency as part of the waiver request.

85088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES
(Continued)**85088**

(f)(2)

POLICY (Continued)

Intercoms may be used to meet the requirement for a signal system. As with an alternative for a signal system, it must meet the intent of the regulation and the facility clients must be capable of using the system. In no circumstances is a signal system or alternative to be used in place of required staff for purposes of client supervision.

PROCEDURE

Refer to Section 80024 and Reference Material 2-5000.
